

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

PUBLIC MEETING

*Consideration of a proposed settlement for an Administrative Civil Liability Complaint
concerning*

Hilmar Cheese Company, Inc. and Hilmar Whey Protein, Inc.
Merced County

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board), issued a complaint for Administrative Civil Liability in the amount of \$4,000,000 to Hilmar Cheese Company, Inc., Hilmar Whey Protein, Inc. The ACL Complaint alleges that (1) Hilmar's self-monitoring reports document 1,039 days of violation of the discharge effluent limit of 900 micromhos per centimeter ($\mu\text{mhos/cm}$) for EC prescribed by WDRs Order No. 97-206 for discharges to Primary Lands; (2) Hilmar's self monitoring reports document that on those 1,039 days, Hilmar discharged 821,000,000 gallons of wastewater to the Primary Lands; and (3) on those 1,039 days, Hilmar discharged waste or caused or permitted waste to be deposited where it was discharged into waters of the state. The dischargers vigorously denied liability, claiming that they had complied in good faith with the requirements established by the Regional Board and that the requirements in the Board's orders were inappropriate. The Prosecution Staff of the Regional Board has reached a settlement with the dischargers, but before the settlement is effective it must be accepted by the Regional Board.

The Regional Board will be asked to accept the proposed settlement agreement to resolve the issues set out in the Complaint.

A public meeting concerning this matter will be held during the Regional Board meeting, which is scheduled for:

DATE: 29 November 2005
TIME: 8:30 AM
PLACE: CV-RWQCB Board Room
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

The issue before the Board will be whether to accept the settlement as proposed or as it maybe revised. The meeting is not intended to be a hearing on the merits of the Administrative Civil Liability Complaint. If the Board decides to reject the settlement, it may schedule a hearing on the merits of the ACL Complaint for another date.

Persons wishing to comment on this noticed meeting item must submit comments in writing to the Regional Board (attention: Antonia Vorster) no later than **21 November 2005**. Written comments submitted after **21 November 2005** will not be accepted and will not be incorporated into the administrative record.

All interested persons may speak at the Board meeting, and are expected to orally summarize their written submittals, if they submitted any by the deadline. Comments will be limited in time by the Board Chair.

The Meeting will be conducted as follows:

1. Prosecutorial team will present the item to the Board (20 minutes)
2. Discharger comments (20 minutes)
3. Adjudicatory team comments (10 minutes)
4. Interested Persons (5 minutes each)

Allotted times may be adjusted by the Chair.

Anyone having questions on the proposed Consideration of the Settlement should contact Ms. Antonia Vorster at avorster@waterboards.ca.gov or (916) 464-4746. Interested parties may download the proposed settlement and related documents from the Regional Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/index.html#hilmar>. If you do not have Internet access, these documents may be inspected and copied at the Regional Board's Fresno office at 1685 "E" Street, Fresno, CA 93706-2007, or the Sacramento Office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114, weekdays between 8:00 a.m. and 5:00 p.m. by appointment.

The meeting facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

Original signed by

ANTONIA K. J. VORSTER,
Supervising Water Resources Control Engineer

27 October 2005